

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3385 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ARSHIBHAI P ZALA

Versus

DISTRICT REGISTRAR

Appearance:

MR AD MITHANI for Petitioner

MR SAMIR DAVE for Respondent No. 1, 3

MR ND NANAVATI for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/10/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner, Chief Promoter of Vadodara Oil Seeds Producers' Cooperative Society Ltd. (Proposed), filed this writ petition before this Court and challenge has been made therein to the orders annexures 'A' and 'B' passed by respondents No.1 and 3 under which the Society was not registered and respondent No.2-Society was

registered.

2. This petition has been admitted by this Court on 29th July 1986 and the order made by this Court reads as under:

"Rule. At present interim relief refused. It would be open to the District Registrar to hold necessary inquiry as per the directions given in the impugned order. Liberty to apply for interim relief at the appropriate stage."

The petitioner has prayed for interim relief in terms that the respondent No.2 herein or his agents, servants be restrained from conducting the affairs of the Society in the name and style of the Vadodara Jhala Oil Seeds Producers' Cooperative Society, Vadodara-Jhala, Taluka Veraval, till and pending the hearing and final disposal of this petition. This Court has refused to grant interim relief to the petitioner, meaning thereby, the Society, Respondent No.2 is working for all these years. This Court has ordered the District Registrar to hold necessary inquiry as per the directions given in the order impugned to this Special Civil Application.

3. Both the counsel for the parties are unable to disclose before this Court whether the District Registrar has held any inquiry or not and if yes, what was the result thereof. It is a matter where after the respondent No.2 Society has not been restrained by this Court from functioning, and therefore at this stage if the registration granted to the said Society is cancelled, then it may have serious repercussions. Rights of many persons would have been created therein and in case the registration of the respondent No.2-Society is cancelled, its members will have to suffer manifold difficulties and losses.

4. However, in the facts and circumstances of the case, it shall be open to the petitioner to make a fresh application for registration of Society and the authorities, the respondent No.1 herein shall consider the same on merits independently of the orders which have been passed by the respondent No.1 earlier against it and in favour of respondent No.2. However, registration granted to respondent No.2 does not, in any manner, call for interference of this Court, and this petition, so far as the order granting registration to the respondent No.2-Society is concerned, is dismissed. The petitioner shall be at liberty to file fresh application for registration of society and the respondent No.1 shall consider the same in accordance with law. Rule stands

discharged with aforesaid observations.

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(sunil)